

UNITED STATES OF AMERICA
DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BARBARA ANN SMOOT and
JOHN R. SMOOT,

Plaintiffs,

v.

Case No. 1:12cv1367
HON. ROBERT J. JONKER

NEW ENGLAND COMPOUNDING
PHARMACY, INC.;
GREGORY A. CONIGLIARO;
BARRY J. CADDEN; and
LISA CONIGLIARO CADDEN,

Defendants.

**ORDER ADMINISTRATIVELY CLOSING CASE
AS TO DEFENDANT NEW ENGLAND COMPOUNDING PHARMACY, INC.**

The Court has been informed that New England Compounding Pharmacy, Inc., one of the defendants to the above-entitled action, has filed a petition in Bankruptcy. In accordance with 11 U.S.C. § 362, this civil action is automatically stayed as to the debtor until the Bankruptcy proceedings in question are terminated or the stay is lifted. 11 U.S.C. § 362(c).

The automatic stay provision of the Bankruptcy Reform Act of 1978, 11 U.S.C. § 101, et seq. as amended by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, halts the commencement or continuation of litigation against the debtor by adverse parties; it does not divest this court of jurisdiction to issue necessary orders in civil actions which are stayed in Bankruptcy. Connell v. Walker, 291 U.S. 1, 54 S.Ct. 257 (1934); Donald F. Duncan Inc. v. Royal Tops Mfg. Co., 381 F.2d 879 (7th Cir. 1967), cert. denied, 390 U.S. 905, 88 S.Ct. 819 (1968).

Accordingly, in the interest of the effective administration of the Court's business, without prejudice to either party to this action, and in keeping with the intent and spirit of the automatic stay

provision of the Bankruptcy Reform Act, 11 U.S.C. § 362, this matter is hereby **ADMINISTRATIVELY CLOSED** with regard to New England Compounding Pharmacy, Inc. only. This closing is for administrative purposes only and does not constitute any decision on the merits. Upon termination of the bankruptcy proceedings, or the lifting of the automatic stay regarding Defendant New England Compounding Pharmacy, Inc., the Court will automatically reopen these proceedings when either party notifies the Court.

This matter may go forward with regard to the remaining defendants.

IT IS SO ORDERED.

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

Dated: January 2, 2013